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Lisa Kaiser (Signature)

Lisa Kaiser

Signature Date: May 14, 2002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application	)	<u>PATENT APPLICATION</u>
	)	
Inventor(s): Sylvie Laquerre, et al.	)	Art Unit: 1648
	)	
Application No. 09/741,127	)	Examiner: Mosher, Mary
	)	
Filed: December 18, 2000	)	Confirmation No. 6396
	)	
Title: Herpes Simplex Virus-1 Glycoprotein	)	
Mutants For Treating Unwanted	)	
Hyperproliferative Cell Growth	)	
	)	

RESPONSE TO OFFICE ACTION UNDER 35 U.S.C. § 121

Commissioner for Patents and Trademarks  
Washington, DC 20231

Sir:

This response is in reply to the Office action mailed March 14, 2002, in which Applicants' claims were restricted into two (2) groups. Applicants elect to prosecute the claims of Group I. That is, claims 1-9, drawn to neoplasm treatment method, classified in class 424, subclass 93.2


The election of claims in Group I is made with traverse for the following reasons. The claims in the non-elected group, claim a pharmaceutical composition that would be used to test cancer regardless if the treatment involved gene therapy or a vaccine. Thus, since Applicants' claims in Group I similarly claim a method for treating cancer (neoplasm), it is not seen that, Applicants' Group II claims are distinct because "the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h))."

Thus, Applicants respectfully request withdrawal of the Restriction Requirement, and that the Examiner examine all claims together.

The Commissioner is hereby authorized to charge any fees associated with this communication to Deposit Account No. 15-0615, for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: 5/14/02

By:   
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